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Supreme Court, U.S.
FILED

No. 96 64 MAY . 6 1996

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1995

Peter Di Lauro et al.

Petitioner(s)

V.

Helen B. Ver Strate Esq. et als.

Respondents

On Petition For Writ Of Certiorari

To the United States Court of Appeals

For the Third Circuit

Peter J. Di Lauro Pro Se
Janet F. Di Lauro Pro Se
11 Bay Hill Road
Leonardo, New Jersey 07737
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28 pp

Questions Presented for Review

(1) Can corporations appear Pro Se?

(2) Can a Partner in a Partnership Corporation represent Herself, The Partnership and her deceased partner without the consent of the partners estate in Federal Court?

(3) When allegations of Constitutional Rights being violated by means of Racketeering, Conspiracy Fraud and Misconduct by a State Superior Court Judge and several attorneys (Officer's of the Court) are reported in the Federal Court by means of a Complaint, Motions and letters, should the court have notified the proper authorities entrusted to investigate conduct that desecrates the Professional and Judicial Code of Conduct?

(4) Is the State of New Jersey who represents the defendant Judge just as responsible to investigate the allegations of Racketeering, Conspiracy, Fraud and Misconduct by the Judge as they are in defending.

(5) Should a case be dismissed against all but one of the conspirators and allegations against a Judge and attorneys be discharged without review or investigation by some outside agency other than their colleagues in a Judicial system that refuses to police itself?

Petitioners

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Solicitor General of the United States
Room 5614, Department of Justice
10th Street and Constitution Ave.
N.W. Washington, DC 20530

Introductory Statement

Non-lawyer pro se litigants brought action in US District Court, District of New Jersey (Trenton) , against a New Jersey Superior Court Judge and Several attorneys who were alleged to have committed Racketeering, Conspiracy, Fraud and Misconduct, during the course of trial of a colleague attorney who was found guilty of wrong doing by a State Superior Court Judge and admitted misappropriating clients moneys. And during the course of committing these alleged violations, violated plaintiffs Constitutional Rights.

Initially, plaintiffs made inquiries to the US Attorneys Office, The New Jersey Attorney general and the FBI in order to file criminal charges against the defendants. In each case Plaintiffs were told the only recourse they had was to file a civil action in Federal Court and that the law required the courts to notify proper authorities charged with investigating allegations against those Professional Persons who would commit crimes and violations of The Code of Judicial Conduct and Professional Code of Responsibility.

Plaintiffs filed a civil action and defendant attorneys responded pro se on behalf of their corporate entity without permission of the court. The defendants never denied the allegations and only asserted that there wasn't on going criminal activity as required by the R.I.C.O. Act. Plaintiffs countered with, the Defendants answers should be stricken and the case should not be dismissed and they be found in default because they are attorneys who knew or should have known that they could not appear pro se on behalf of their corporate entity and that the allegations in the original complaint outline the culpable intent of the allegations and therefore should be determined by a jury. It should be noted that to date, plaintiffs have made numerous attempts in their initial Complaint.

Motions and letters to the Court to have anyone investigate these allegations against the defendant attorneys and state court judge but seem to have fallen on deaf ears. These actions certainly give the appearance of impropriety by the court who in its reluctance to prosecute colleagues and shun numerous requests for an investigation including a grand jury inquiry, violates many laws and Rules of the Court and could be considered as criminal acts or the ongoing criminal activity of their colleagues.

Considerations Governing Review on Certiorari

The Petitioners in the above captioned case have attempted to seek justice in a judiciary that refuses to address allegations of Racketeering, Conspiracy, Misconduct and Fraud against a State Superior Court Judge and several attorneys. The lower courts have decided an important federal question that conflicts with numerous decisions of the Third Circuit, other circuits and Supreme Court decisions. The Third Circuit Court of Appeals has so far departed from the accepted and usual course of judicial proceedings and has sanctioned such a decision by the lower court, as to call for an exercise of this court's supervisory power.

It should be noted that Rule 29 4 (b) 28 USC 2403 (a) may apply.

Plaintiffs, in District Court requested that the Attorney General be notified of our Constitutional Rights Questions that plaintiffs raised. This along with any other requests were ignored.

1. Can Corporations appear Pro Se in all Courts of The United States?

28 USC Sec. 1654, Appearance personally or by counsel. In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein. This has never been extended to permit corporate entities to appear on their own behalf. In the case before the court all defendant attorneys practice the law using any one of the numerous business entities in their practice. Because they themselves are officers of the court does not permit them to appear pro se on behalf of their corporate entity. A corporate entity is not an officer of the court. It has been the law for the better part of two centuries, that a corporation may appear in the federal courts only through licensed counsel. Osborn v. Bank of the United States, 9 Wheat. 738, 829, 6 L.Ed. 204 (1824); see Turner v. American Bar Assn., 407 F.Supp. 451, 476 (ND Tex., 1975) (citing the "long line of cases" from 1824 to the present holding that a corporation may only be represented by licensed counsel), affirmance order sub nom. Taylor v. Montgomery, 539 F.2d 715 (Table) (CA7 1976), and aff'd sub nom. Pilla v. American Bar Assn., 542 F.2d 56 (CA8 1976).

As the courts have recognized, the rationale for that rule **applies equally to "all" artificial entities**. Thus, save in a few aberrant cases, (FN5) the lower courts have uniformly held that 28 U.S.C. Sec. 1654, providing that "parties may plead and conduct their own cases personally or by counsel," does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.

See, e.g., Eagle Associates v. Bank of Montreal, 926 F.2d 1305 (CA2 1991) (partnership); Taylor v. Knapp, 871 F.2d 803, 806 (CA9) (nonprofit corporation formed by prison inmates), cert. denied, 493 U.S. 868, 110 S.Ct. 192, 107 L.Ed.2d 146 (1989); Jones v. Niagara Frontier Transportation Authority, 722 F.2d 20, 22 (CA2 1983) (corporation); Richdel, Inc. v. Sunspool Corp., 699 F.2d 1366 (CA Fed.1983) (per curiam) (corporation); Southwest Express Co. v. ICC, 670 F.2d 53, 55 (CA5 1982) (per curiam) (corporation); In re Victor Publishers, Inc., 545 F.2d 285, 286 (CA1 1976) (per curiam) (corporation); Strong Delivery Ministry Assn. v. Board of Appeals of Cook County, 543 F.2d 32, 34 (CA7 1976) (per curiam) (corporation); United States v. 9.19 Acres of Land, 416 F.2d 1244, 1245 (CA6 1969) (per curiam) (corporation); Simbraw, Inc. v. United States, 367 F.2d 373, 374 (CA3 1966) (per curiam) (corporation).

In viewing this tradition, its assumption that litigants may represent themselves tells us that Congress was thinking in terms of "persons" who could petition courts themselves and appear pro se, that is, of **natural persons only**.

When an attorney files a Notice of Appearance form or takes an oath that he or she is a qualified attorney able to appear in Federal Courts , the attorney does this as a natural person and not by or for the corporate entity he or she chooses or will choose to use for his or her business. Corporate entities can not take the oath.

Furthermore, New Jersey law forbids entities formed under the Professional Corporations Act to appear pro se in any court in the state.

This law is not in conflict with 28 USC 1654 2. State regulation or control. Although attorneys admitted to practice in Eastern District of Tennessee must have been admitted and entitled to practice in Tennessee Supreme Court, no provision of Tennessee law regulating practice of law in state courts could obstruct in any way such practice under rules of federal court. Western Life Ins. Co. v. Nanney, D.C.Tenn.1969, 296 F.Supp. 432. This refers to attorneys admitted in Tennessee and not representation of their corporate entity.

The Respondent attorneys all chose a corporate entity to operate their business of practicing law. They enjoy all the benefits derived from these entities and are subject to the laws governing those entities. Their business entities are being sued in this action and not them individually. To allow the attorney respondents in this matter to appear pro se is in direct conflict with the statement that all men are created equal.

The fact that they are officers of the court representing themselves, their corporate entity and the court, certainly is a conflict of interest that thwarts public policy and the effective administration of the courts business.

As is the case herein that clearly shows the lengths the judiciary will go through to insure that their colleagues are not prosecuted goes beyond the "mere" appearance of impropriety that in itself is in violation of the Code of Professional and Judicial Conduct. When the judiciary fails to police itself and allows criminals to go free at the expense of the individuals rights amounts to nothing less than judiciary tyranny and should be construed as criminal activity. If we were attorneys, their would be allegations of unfair competition and restraint of trade to name a few of the derivative actions that would ensue.

Lastly, if there is no federal rule that specifically states that attorneys can not appear pro se, than New Jersey Rule 1:21 prevails. It outlines very precisely that other than a few municipal and traffic courts, attorneys cannot appear pro se.

2. Can a Partner in a Partnership Corporation represent herself, the Corporation and her deceased partner without the consent of the deceased partners estate?

Along with the aforementioned, the law is clear as to corporate entities including partnerships and their inability to appear pro se. Defendant Helen B. Ver Strate in her Notice of Appearance in the District court asserts that she is representing herself, her partnership corporation and her now deceased partner without the knowledge or consent of the partners estate. She certainly is in violation of numerous codes of conduct, ethics and probate laws that should not have to be spelled out to this court.

What happens if Ms. Ver Strate doesn't prevail in this action? Will the estate then bring a derivative action? If the Defendants Hellies, Wolff, Hellies & Duggan fail to prevail, how many derivative actions will come about from partners and others in the firm that did not approve of whoever is representing the corporation? These are just a few examples of why corporate entities appearing pro se thwarts public policy and is not permitted.

3. When allegations of constitutional rights being violated by means of Racketeering, Conspiracy, Fraud and Misconduct by a State Superior Court Judge and several attorneys in the Federal Court, should the court have notified the proper authorities that are entrusted to investigate conduct that desecrates the Code of Judicial Conduct and Rules of Professional Conduct.

The answer is unequivocally **yes**. U.S. District Court, District of New Jersey, Rule 6 Judicial Ethics and Professional Responsibility. Rule 6a The Rules of Professional Conduct revised by the Supreme Court shall govern the conduct of the members of the Bar admitted to practice in this court, subject to such modifications as may be required or permitted by Federal Statute, regulation, court rule or decision of law.

Rule 7 Discipline of attorneys and everything therein covers this issue. Rule 7 E (1), States "When misconduct or allegations of misconduct which if substantiated, would warrant discipline of an attorney admitted in practice before this court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the chief Judge if he or she deems it appropriate, shall refer the matter to the Clerk of the Court, who shall refer it to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate".

Plaintiffs in this matter have filed allegations of Racketeering, Conspiracy, Fraud and Misconduct in the original complaint). Motions and letters to the Judge and Chief Judge making specific demands that the allegations be investigated. Were simply ignored. (See the

appendices). Letter of Protest to Chief Judge about (App. at pgs. 4-10), when letter of demand for Grand a Jury investigation was ignored by Judge Parell in the complaint and letter to Judge Parell demanding Grand Jury Investigation because of the courts failure to prosecute colleagues), was answered in (app. pg. 11) with a two paragraph letter that completely ignores the protest of the courts failure to investigate these allegations or of the courts personnel's conduct.

In a letter to the Clerk of the US Court of Appeals dated October 24, 1994 outlining plaintiffs displeasure of Judge Parell s order dismissing the case against all the racketeers, conspirators, except one, than further states that an investigation into the allegations be undertaken.

In the letter from US Magistrate Freda Wolfson (app. Pg.12), she canceled in-person conference because of Mr. Di Lauro's pro se status. This was another discriminatory practice by the court, when in fact all defendant attorneys were appearing pro se (app. Pg. 18 shows how they omit fact that they are appearing pro se) and is just another reason why corporate entities appearing pro se thwarts public policy and disrupts the courts business.

In the courts haste to rid itself of pro se litigants, the record will show how the court construed a letter to the court as a motion to dismiss. This was nothing more than a means to tell the defendants to file a Motion to dismiss. It seems incongruous to plaintiffs that these attorneys need the courts help in dismissing a case or the preparation of Motions In a letter to a deputy clerk plaintiffs protested this practice and other disruptive behavior by court personnel.

In the letter to Deputy clerk Powell outlining discrepancies that affected the Appeal, the discrepancies of the defendants paperwork and the court personnel's permitting it. The court held the plaintiffs to the letter of the law while assisting defendant colleagues. Again, it goes beyond the "mere" appearance of impropriety.

In a letter to the Clerk of the US Appeals Court for the Third Circuit plaintiffs requested that the court stay all proceedings in this matter until a Grand Jury investigation or complaint can be filed because no court personnel wanted to address the allegations of the defendants or the treatment plaintiffs received from court personnel. It gives new meaning to statements that people are victimized twice once by the criminal and then by the system.

4. Is the State of New Jersey who represents the defendant judge just as responsible to investigate allegations of Racketeering, Conspiracy, Fraud and Misconduct by the judge as they are in defending?

The answer to this should be yes. The state attorney representing defendant Judge Cleary is also bound by the Rules of Professional and Judicial Conduct. He and had the same obligation as the courts to report these allegations to the proper authorities yet failed to notify anyone to investigate allegations under disciplinary Rules, Code of Judicial Conduct and Code of Professional Responsibility as outlined by law and Rules of the court. More importantly the attorney generals office along with the judiciary has an obligation. to the people. Plaintiffs it their pursuit of justice certainly should not have had to defend against the state whose seemingly endless supply of our tax dollars are used against the people and not for them.

It appears that there are a lot of Rules and Regulations pertaining to the discipline of attorneys and Judges to maintain a high standard in the judiciary. However, when no one enforces these rules they become meaningless.

5. Should a case be dismissed against all but one of the conspirators and allegations against a judge and attorneys be discharged without review or investigations by some outside agency other than their colleagues in a judiciary that refuses to police itself?

It is ludicrous to think that a case involving allegations of racketeering and conspiracy be dismissed against all but one of the alleged racketeers\consirators when it is clear that all allegations emphasizes the "intent" of the parties acting in concert. The answer should be no. The district court has broad discretion concerning admission to practice before it, but its rules may not be allowed to operate in such way as to abridge right of any class of litigants to use federal courts. Under U.S.C.A.Const. Amend. 6. Lefton v. City of Hattiesburg, Miss., C.A.5 (Miss.) 1964, 333 F.2d 280. It has been the pro se litigants opinion (and rightfully so) that in the matter before the court they have experienced first hand how the judicial system in this matter blatantly discriminates against non-lawyer pro se litigants. The court permits the attorney representing defendant judge Cleary to submit letter brief yet denies non-lawyer same access to the court.

28 USC 1654 -12. **Duty of the court** is implicit in right to self-representation is obligation on part of court to make reasonable allowances to protect pro se litigants from inadvertent forfeiture of important rights because of their lack of legal training. Traguth v. Zuck, C.A.2 (N.Y.) 1983, 710 F.2d 90. The Court not only failed to make reasonable allowances for non-lawyer pro se litigants, court personnel

went out of their way to circumvent plaintiffs case. Court personnel's deliberate actions in aiding the defendants case in any way they can yet holding the non-lawyer pro se litigants to the letter of the law and in one instance attempting to bait the non-lawyer pro se litigants to do give up certain rights. It was so Blatant, that a letter of complaint to the Attorney Generals office and Senate Judiciary Oversight Committee was filed asking for a Grand Jury investigation into the court personnel of the District Court and the Court of Appeals for the Third Circuits.

Additionally a letter to the Chief Judge (see appendices) outlining a grievance of court personnel conduct was answered with a two paragraph letter stating that the plaintiffs were attempting to relitigate the state court issues. After reading the record one gets the picture of just how far colleagues will go to assist one another no matter how many rules and laws they break. This certainly is not what our forefathers had in mind for the Judiciary.

Closing Statement

Whether its the Chief Judge, Judge, Clerks of the respective courts, their deputies or court personnel acts of omission or ignoring plaintiffs complaints and allegations or violating the law and the Rules of the court to protect their peers. Or the court referring motions to the Merits panel that never get reviewed or answered, permitting Defendants to appear pro se on behalf of their corporate entity in this matter, one would have to concede that the plaintiffs in this matter have in fact been mistreated and discriminated against in the very Judicial system they sought justice in. This is a disgrace.

The Court has many issues before it, yet, one or all if agreed with by the court would in itself be good cause to reverse the lower courts decisions.

For all of the foregoing reasons, Petitioners Peter J. Di Lauro and Janet F. Di Lauro having shown good cause, respectfully request that this court review the lower courts decisions that has so far departed from the accepted and usual course of judicial proceedings and has sanction such decisions as to call for an exercise of this courts supervisory power. We would ask for this court to reverse the lower courts decision with instructions to set a date certain to establish damages.

Peter J. Di Lauro
Pro Se

Janet F. Di Lauro
Pro Se

Dated: July 1, 1996

Appendix A -Index of Appendices

Pg. 1. Order Denying Petition for Rehearing En Banc Dated February 5, 1996

2-3 Certified Judgment Order, Mandate

4-10 Letter of Protest to Chief Judge District Court

11 Chief Judge Response to Letter of Protest

12 Letter from US Magistrate Wolfson

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
No. 95-5083
PETER J. DI LAURO; JANET F. DI LAURO,
Appellants
HELEN B. VER STRATE, ESQ., t/a Deakin and Ver Strate; THOMAS A. DEAKIN, ESQ., t/a Deakin and Ver Strate; BRUCE H. HELLIES, ESQ.; SHELDON N. SPIZZ, ESQ.; WOLFF, HELLIES & DUGGAN, ESQS.; JUDGE PATRICIA CLEARY, Monmouth County, Superior Court Judge; CROSSLAND MORTGAGE COMPANY; SHERIFF FRANK LANZARO, Monmouth County; JANE DOE, a fictitious name; JOHN DOE, a fictitious name

SUR PETITION FOR REHEARING
Present: SLOVITER, Chief Judge,
BECKER, STAPLETON, MANSMANN, GREENBERG, SCIRICA,
COWEN, NYGAARD, ALITO, ROTH, LEWIS, MCKEE and SAROKIN,
Circuit Judges.

The petition for rehearing filed by appellants in the above entitled case having been submitted to the judges who participated in the decision of this court and to all other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

P. Douglas Sisk **Telephone 215-597-5846**
Clerk
21400 United States Courthouse
601 Market Street
Philadelphia PA 19106-11790

February 13, 1996

Mr. William T. Walsh, Clerk
United States District Court for the District of New Jersey 402 East State Street
Clarkson S. Fisher Federal Building Trenton, NJ 08608

RE: Docket No. 95-5083 Di Lauro vs. Ver Strate
D. C. CIV. No. 93-cv-04327

Dear Mr. Walsh:
Enclosed is a certified copy of the judgment order in the above-entitled case(s). The certified judgment order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.
We return herewith the certified record in the case(s).
Kindly acknowledge receipt for same on the enclosed copy of this letter.
Counsel are advised of the issuance of the mandate by copy of this letter. A copy of the certified judgment order is also enclosed showing costs taxed, if any.

Very truly yours,
P.DOUGLAS SISK, Clerk

By: Kathleen O'Toole
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 95-5083

PETER J. DI LAURO; JANET F. DI LAURO,
Appellants
V.
HELEN B. VER STRATE, ESQ., t/a Deakin and Ver Strate; THOMAS A. DEAKIN, ESQ., t/a Deakin and Ver Strate; BRUCE H. HELLIES, ESQ.; SHELDON N. SPIZZ, ESQ.; WOLFF, HELLIES & DUGGAN, ESQS.; JUDGE PATRICIA CLEARY, Monmouth County, Superior Court Judge; CROSSLAND MORTGAGE COMPANY; SHERIFF FRANK LANZARO, Monmouth County; JANE DOE, a fictitious name; JOHN DOE, a fictitious name

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civ. No. 93-cv-04327)
District Judge: Honorable Mary Little Parell

Submitted Under Third Circuit LAR 34.1(a)
November 16, 1995
Before: MANSMANN, ALITO and ROTH, Circuit Judges.

JUDGMENT ORDERAfter consideration of all contentions raised by the

appellants, it is ADJUDGED AND ORDERED that the judgment

of the district court be and is hereby affirmed.

Peter J. Di Lauro
Janet F. Di Lauro
11 Bay Hill Road
Leonardo, New Jersey 07737
(908) 291-4377
(909) December 12, 1994

CHIEF JUSTICE
HONORABLE ANNE S. THOMPSON
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
402 E. State Street Rm. 343
Trenton, New Jersey 08608

RE: PROTEST Civ. 93-4327 (ULP)

Please accept this letter of protest in lieu of a formal complaint as per the rules of this court. We, the plaintiffs in the aforementioned matter have not received complaint forms requested from the court to date as outlined in the Rules.
We are asking that you intercede and take the necessary steps as per Rules 6 – Judicial Ethics Professional Responsibility, Rule 7 – Discipline of Attorneys, and Rule 7D and Rule 7 E,l which state: "When misconduct or allegations of misconduct which, if substantiated, would warrant discipline or an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the Chief Judge if he or she deems it appropriate, shall refer the matter to the Clerk, who shall refer it to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate."

This litigation involves serious allegations of corruption, conspiracy, racketeering and misconduct against the defendants in this action who happen to be attorneys and a state judge.

These allegations to date have not been addressed, instead we have court personnel who are members of the same New Jersey Bar, and who continue to invoke decisions against the plaintiffs that affect the outcome of this litigation and further deny the plaintiffs due process.

The court has denied numerous requests for an investigation into these allegations. The denial of these requests are in clear violation of the lawg the rules of this court and standard of ethics set'forth by the Constitution, the Judiciary and the Rules or this Court. This can only serve to further impugn this Court.

The defendants never denied the allegations, but one would think they would certainly want to clear the air if they are innocent.

This protest is to address the issue of defendant attorney, Sheldon Spizz Esq. and his filing of papers with this court.

A notion was already made by plaintiffs in this court to find Mr. Spizz in default.

BRIEF SYNOPSIS

Since 1987 plaintiffs have tried with the utmost of patience, to get a fair and impartial trial against the defendant attorney Us. Ver Strate.Ms. Ver Strate admitted several tines on record that she misappropriated funds and caused plaintiffs to incur an estimated $20,000 In legal expenses to defendant attorney Spizz for defending plaintiffs in a lawsuit against Ms. Ver Strate's mishandling of a real estate and business transaction. The plaintiffs were sued for specific performance by sellers and it was found by that court's chancery division that Ms. Ver Strate and Deakin and Ver Strate were at fault and should be sued to recoup their losses.

When collusion was uncovered during Ms. Ver Strate's trial and plaintiffs complained to their attorney Mr. Spizz, it became apparent that the defendants (all members of the same State Bar) in this action were acting in concert to guarantee that Ms. Ver Strate, a colleague, be found not guilty, although she already admitted guilt

If anyone would bother to investigate the record or interview potential witnesses they would come to the same conclusion that all the allegations made in this litigation are true.
Mr. Spizz advised that an appeal of that decision would be Fruitless because no attorney would go against another attorney in New Jersey. Numerous attempts to hire an attorney were futile confirming the fact that lawyers won't sue each other and that this conduct is ongoing and acceptable.
Plaintiffs, unable to hire an attorney (although they all said it was a treat case) took this action Pro Se against the defendants in the District Court in Trenton on the advice or an attorney they sought to retain. The plaintiffs did this with hope that justice will prevail and that surely a Federal Judge in such a prestigious position wouldn't go against the Constitution or the Rules or the court to aid and abet a colleague who admitted wrong doing.
Plaintiffs riled and served their summons and complaint. The defendant attorneys answered by way of Motions to dismiss by reason or R.I.C.O. didn't count in these proceedings because the plaintiff's didn't prove any ongoing activity by the racketeers as required by R.I.C.O.. The Defendants never denied the allegations and the plaintiffs, proof was ignored by this court.
The plaintiffs made their own Motion to find the defendants in default because they, as attorneys, never riled any notice of appearance and certifications, and attempted to appear Pro Se before this court when in fact it is against the law and the Rules or the Court. The defendant attorneys practice law under one or more business entities that are barred from practicing in this court. These entities are the subject or this law suit and not the attorneys personally. Defendant attorneys failure to obtain counsel in something they knew or should have known was required of them. The only ruling that should have been made and which would have finally put an end to this litigation would have been to rind the defendants in default.

An alternative to dismissal would have been for Pro Se plaintiffs to amend their complaint and require defendants to obtain counsel. If the issues were too complicated for Pro Se litigants, then the court should have appointed counsel as plaintiffs requested in their moving papers. However nothing was done by the court for approximately seven months (we were told that the court didn't know what to do with the case), scheduling orders were sent out and the defendants still violated the rules of the court by continuing to file papers with this court. Plaintiff Mr. Di Lauro called Judge Parell's law clerk, Kelly Miller, and complained that defendant attorneys were in contact with the court and still attempting to file papers with this court. A ruling, coincidentally came down two days later. In her ruling, Judge Parell completely ignored the law and rules of the court by granting notions illegally filed with this court by the defendants Helliesg Wolff, Hellies and Duggan Esqs., (members of a corporation) and Helen Ver Strate and Deakin and Ver Strate, a partnership corporation with a deceased partner represented by Us. Ver Strate without notification of the deceased partner's estate. Mr. Spizzg to date, has not come forth with any information as to what type or how many business entities he is using to practice law that would also bar him from practicing Pro Se before this court. Mr. Spizz made a motion to this court for dismissal once before and was ignored by Judge Parell and now attempts to make the same notion again which is the subject of this protest. It was this court's disregard of Mr. Spizzs' previous notion papers asking for the case to be dismissed along with his co-defendants that led to Mr. Spizz filing another Motion to Dismiss. Judge Parell ignored Mr. Spizz's request to dismiss and granted his co-defendants relief that caused a jurisdictional defect in the Appellate Court. This was done intentionally and confirmed, when she denied plaintiffs' request for injunctive relief saying that plaintiffs would not win an appeal of her order. This in fact, turned out to be the case when it was denied for jurisdictional defect.

A reasonable person would rationalize that an allegation by plaintiffs loss of constitutional rights would outweigh defendants' assertion that they did not commit a criminal act in a continuous ongoing manner as is the situation under the R.I.C.0 Act ... One would surmise that it was permissible for the defendants to act in concert and commit the act of conspiracy, racketeering, misconduct etc. since they only acted once. According to Judge Parell and her staff this is legal and Justifiable. It should be noted that the plaintiffs have never net the Honorable Judge Mary Little Parell and have not filed formal complaints with any agency to date hoping the situation will rectify itself within the system. Plaintiffs only desire is to end this litigation and proceed with life, liberty and the pursuit of happiness as outlined in the Bill Of Rights. Plaintiffs believe that this court should take care of its own problems and not make the plaintiffs the instrument needed to rectify a situation that there already are rules for. Plaintiffs have attempted to acquire e justice for over seven years in a legal network that has failed to provide adequate safeguards to protect them from the negligence of one attorney who admitted wrong doing and the ability of the attorney's colleagues to shield that attorney clearly denies the plaintiffs equal protection under the law. Should plaintiffs continue to surfer and lose their home and the life style that they worked so many years for only to be lost because an attorney who has clearly admitted wrong doing, put them in these financial straits because of that wrong doing? A rational person would think not. Something Is afoul. Where will it end? Must formal charges be made at every level? Should the State Police or the Department of Investigation probe into this matter? The U. S. Attorney? Should we go to the media? Is a Congressional Judiciary Committee investigation necessary? Does the governor of New Jersey have to appoint a special prosecutor to delve into these and other allegations of attorneys and judges because they can't or won't police themselves? Plaintiffs believe they cannot get an impartial decision or trial before Judge Parell's court since Judge Parell's conduct and that of her staff and court personnel (who belong to the same New Jersey Bar as the defendants in this action), have clearly displayed the lengths they will go to for a colleague.

These actions certainly go way beyond that of even giving the appearance of wrong doing as outlined by the Rules of the Court and Code of Professional Conduct and Ethics and will be the subject of a formal complaint at a later date with full certified sworn affidavits if your honor deems it necessary. We would ask your honor to please ' take a leadership role by looking into and possibly correcting some of the defects or a system that allows this conduct to continue and deprive persons of their rights. We are sure you will find irrefutable evidence that Us. Ver Strate certainly was negligent in her duties in representing the plaintiffs. But most of all, you will find that Mr. Spizz's motivation was the catalyst of this problem before the court. His greed, arrogance and incompetence as a trial attorney, combined with the need to be a part of the good old boys system in Monmouth County gave him the drive to sell out his clients. He then conspired with the other defendants in this action to achieve the goal of absolving Ms. Ver Strate of any fault. Defendant attorney Spizz has displayed arrogance and total disregard for the law and rules of the court both then and now. In his moving papers he claims that no lay person can assert that he is guilty of any wrong doing. This exemplifies his arrogant and misguided thinking patterns. Mr. Spizz has not filed a notice of appearance or certification as to his status as an attorney or his ability to appear before this court in any capacity (e.g., Pro Hack Vice, Pro Sep etc.). Mr. Spizz and the business entity he chooses to use is barred from appearance Pro Se in the court. Mr. Spizz should be found in default based on these facts and a date set to establish damages. If the court cannot find defendant Spizz in default or overturn its own decision to find all defendants in default and cannot be impartial we would request a change of venue to the Eastern District of New York where we have attorneys who are willing to take on this Matter A change of venue, if ordered early on by Judge Parell, would have avoided the appearance of impropriety as well as relieving peer pressure from court personnel that might have felt a need for acceptance.

Plaintiffs, who consider themselves reasonable persons in bringing this action over a year ago, have never asked for more they have lost in damages in the previous litigation. Plaintiffs hope that this court will find Mr. Spizz in default and set a date certain to establish those damages and end this litigation.

All papers described above are all part of the record. However, it the record is in the Third Circuit and is unavailable to your honor, please have a member of your staff call at (908) 291-4377 and we will furnish copies of anything we have.

Plaintiffs will make themselves available to any member of this court and do anything possible to help in any investigation or resolve of this matter.

Respectfully,

Janet F. Di Lauro
Pro Se

Peter J. Di Lauro
Pro Se

cc: Clerk of the Court
Honorable Judge Mary Little Parell
Sheldon Spizz Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ANNE E. THOMPSON
CHIEF JUDGE

U.S. Courthouse
4 02 E. STATE STREET
ROOM 343

December 23, 1994

ORIGNINAL TO CLERK

Re: Di La.uro, v. Ver Strate et als' Civ. No. 93-4327 (MLP)

Dcar Mr. Di Lauro and Ms. Di Lauro:

The Court is in receipt of your letter of protest dated December 12, 1994. As we understand your letter, you are objecting to an Order of the Honorable Mary Little Parell that was entered on June 2, 1994. A letter to the Chief Judge is not a valid mechanism by which to appeal such an order. If you wish to appeal Judge Parell's Order, you must do so ip accordance with the Federal Rules of Appellate Procedure.

You also request that the Court conduct its own investigation of your allegations of malpractice and conspiracy. We note that the merits of your allegations have been addressed in a jury trial in the Superior Court of New Jersey and in your case before Judge Parell. You may not relitigate these issues in a letter of protest to this Court.

United States District Court
District of New Jersey

Chambers of
Freda l. Wolfson
United States Magistrate
Federal Bldg. & U.S. Courthouse
402 East State Street - Room 436
Trenton, New Jersey 08605

June 8, 1994

Peter J. DiLauro
11 Bay Hill Road
Leonardo, NJ 07737

Sheldon N. Spizz, Esq.
198 Rte. 9
Manalapan, NJ 07726

Re: DiLauro v. Ver Strate Civil Action No. 93-4327(MLP)

Dear Litigants:

In light of Mr. DiLauros pro se status, an in-person conference will not be required. Instead, the parties are directed to comply with the discovery schedule enclosed herein. At the conclusion of discovery, separate pretrial memorandum shall be submitted in accordance with the instructions enclosed.

Very truly yours,

Freda L. Wolfson

United States Magistrate Judge

(9)

Supreme Court, U.S.
FILED
SEP 5 1996
CLERK

No. 96-64

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1995

Peter J. Di Lauro et al.

Petitioner(s)

V.

Helen B. Ver Strate Esq. et als.

Respondents

On Petition For Writ Of Certiorari

To the United States Court of Appeals

For the Third Circuit

PETITIONER'S ~~REPLY~~ Supplemental BRIEF

Peter J. Di Lauro Pro Se
Janet F. Di Lauro Pro Se
11 Bay Hill Road
Leonardo, New Jersey 07737
(908) 291-43 77

Dated: August 30, 1996

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OPENING STATEMENT

The lower court's decisions, in denying the plaintiffs the relief they sought, has so far departed from the accepted and usual course of judicial proceedings that it amounts to nothing less than judicial tyranny. The issues before the court are of such great public importance that it demands this courts review.

When those entrusted to preserve justice and protect the individuals inalienable rights the U.S. Constitution speaks of, ignores the Constitution, Statutes, Rules of the Court and their own internal procedures that fails to prosecute colleagues and police itself is nothing less than an abuse of authority that violates a public trust that thwarts public policy.

A system that tolerates misbehavior and the arrogance of knowing that they belong to a good old boys network that revels in a vicious circle of immunity from prosecution by their peers.

HISTORY OF EVENTS

In the plaintiffs circumstances, the attorney handling the purchase of a business and real estate was found by a State Supreme Court Judge to have bungled the deal leaving plaintiffs exposed to litigation that cost in excess of $20,000 to defend.

The attorney, who admitted numerous times to misappropriating funds (funds plaintiffs have still not recovered), was also found guilty of wrongdoing, by causing plaintiffs to operate, maintain and be responsible for a business and real estate they didn't own for over a year and a half. Plaintiffs were told they had to sue the attorney for any damages they incurred.

Plaintiffs sued, and found out first hand how far the legal profession will go to assure that their peers will not be prosecuted. The attorney representing us in that matter failed to file a complaint with the ethics committee as required by law.

Deals were made, evidence suppressed, numerous laws and codes of conduct violated by colleague lawyers and judge, who all belong to the same New Jersey Bar and who each played their role to assure the attorney's acquittal.

Plaintiffs case was compromised and plaintiffs sacrificed for referral business, judicial favor in order to keep down legal malpractice insurance for all those in the legal profession.

Plaintiffs encountered the same resistance by the defendants colleagues in the lower courts. A judiciary that refuses to police itself because it will ultimately influence their own practice in the future.

ARGUMENT

When Non-lawyer pro se litigants filed a complaint alleging racketeering, conspiracy, misconduct and fraud against a New Jersey Superior Court Judge and several New Jersey attorneys in the District court, they witnessed first hand, that the very system people seek justice in, is riddled with incompetence, corruption, misconduct and abuse.

The fact that Constitutional rights to due process, equal protection of the law and right to privacy (to name a few), seems to be a secondary consideration to the bureaucratic paradigm of a judiciary that writes it off as sour grapes when anyone challenges or complains about their system.

Rule 7 E (1) governs judicial conduct states"

"Whenever misconduct or allegations of misconduct which if substantiated, would warrant discipline of an attorney admitted to practice before this court shall come to the attention of a judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, the Chief Judge if he or she deems it appropriate, shall refer the matter to the clerk, who shall refer to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendations as may be appropriate".

Needless to say, the allegations and numerous demands for investigations fell on deaf ears.

Rule 6A tells how The Rules of the American Bar Association govern the conduct and members of the bar and 6B, how The Code of Judicial conduct of the American Bar Association governs the conduct of judges of the court. An investigation into this complaint will reveal that the District Court and then the Appeals court's failure to abide by these rules and laws after numerous attempts by pro se litigants are in direct conflict with The Code of Professional Responsibility and Judicial Conduct and they themselves have violated litigants civil rights.

The plaintiffs argued in the lower court that referrals, malpractice insurance rates and judicial favor were the motivation for the racketeers conspirators to assure that a colleague be found not guilty in a trial in state Superior court. This same conduct continued in the federal courts with the same motivations by court personnel and should be construed by the court as ongoing criminal activity by the alleged conspirators, racketeers.

The Judicial code of conduct adapted by the Supreme Court states that the "mere" appearance of impropriety is wrong. The lower courts erred by ignoring the many requests for an investigation of the allegations of racketeering, conspiracy, misconduct and fraud against the defendants.

That error intentional or unintentional as it me be, compounded with the courts allowing the defendant attorneys to proceed pro se on behalf of their corporate entity which is forbidden by federal statutes (28 USC 1654) and New Jersey Rule 1:21 clearly indicates the extent the judiciary will go to in order to protect their peers. The judiciary has failed to police itself, preserve the Constitution and protect the citizens of this country.

By ignoring these statutes certainly gives the appearance of improprieties by a belligerent part of our government that refuses to prosecute one of their own and constitutes ongoing criminal activity.

The plaintiffs in the district court argued that the defendant attorneys knew or should have known they were barred from appearances pro se on behalf of their corporate entity and their answers be struck and they be found in default. New Jersey law specifically emphasizes that professional corporations can not appear pro se.

In New Jersey, professional corporations are formed under the same rules as any other corporate entity. The Professional Corporations Act goes on to clarify the high standards of integrity required by a professional and the corporate entity they use. With guidelines for the high standards of professional conduct that should be upheld at all times.

In the case before the court, defendant attorneys and State Superior court judge were alleged to have violated numerous canons of the Code of Professional and Judicial Codes of Conduct, State statutes and rules of the court.

The lower courts erred in ignoring the complaint and the numerous requests by plaintiffs in the form of motions and letters to the court to investigate same. These omissions, compounded with complaints of the courts personnel whose conduct became suspect when they construed letters from defendants as motions to dismiss and turning a deaf ear to the plaintiffs motions making the court aware of the statutes and rules pertaining to professionals and corporate entities behavior in the courts

The district court, The Third Circuit court of Appeals and the New Jersey State Attorneys office representing defendant State Superior Court Judge Cleary all had obligations under the law and rules of the court to investigate the allegations of racketeering, conspiracy, misconduct and fraud against the defendants in this matter.

The District courts decision acknowledges that defendants Hellies, Wolff, Hellies & Duggan are the "only" corporation among the defendants. The district court erred by ignoring defendants Spizz's Sole Proprietorship corporate entity and Ver Strate and Deakin and Ver Strates' Partnership corporate entity.

The court, in acknowledging the defendants Hellies, Wolff, Hellies & Duggan as corporate entities and Ignoring the sole proprietorship of defendant Spizz and the partnership entity of defendant Ver Strate and Deakin and Ver Strate yet still denies the plaintiffs their relief against those defendants is unconscionable.

Without the State of New Jersey licensing these attorneys they couldn't practice anywhere. The lower court was compelled to abide by the laws of the state of New Jersey that govern the licensing of the defendant attorneys and the corporate entity they practice with.

The lower courts in ignoring plaintiffs citing of numerous federal case law that prohibits professional corporations from appearing pro se erred by not utilizing New Jersey law that licenses these professionals and emphatically forbids professional corporations to appear pro se.

All of the defendants in this matter have chosen not to file an answer to the brief. However, they filed their appearance form as the "attorney of record". These defendant attorneys fail to state to the court that they are the attorney of record for "their" corporate entity. In the case of defendant Ver Strate, who still asserts to representing herself, her partnership corporate entity she shares with defendant Deakins who is now deceased represents the estate without his estates knowledge or authorization to do so.

The New Jersey Attorney Generals office representing defendant State Superior Court Judge Cleary, filed as attorney of record by one attorney while another attorney from their office who never filed a paper in this or any other court sent a letter this court claiming this appeal to be frivolous.

This is a typical example of how intrusive and out of control our government has become. It seems incongruous to me how employees of the state just blindly defend their colleagues at tax payers expense while disregarding the individuals rights and failing to investigate the allegations as prescribed by law.

Those same bureaucrats who would think that an individuals constitutional rights being violated, their clients alleged participation in racketeering, conspiracy, misconduct and fraud along with the failure of the judiciary to prosecute one of their colleagues as frivolous, should be investigated themselves as to why they failed to protect the citizens of New Jersey from those who were alleged to have committed such heinous crimes against the individual, the U.S. Constitution, the New Jersey Constitution, State statutes and Rules of the court.

The New Jersey Attorney Generals office had an obligation to do investigate these allegations. This obligation to investigate their clients behavior is outlined by law, rules of the court and their own internal operations procedure.

The District court did not dismiss the case because it was frivolous. Moreover, the district court erred in dismissing the case against all the defendants except one. Without investigating the allegations as they were obligated to by law and rules of the court clearly shows the extent they would go through to assist a colleague.

How does one continue a case for racketeering, conspiracy, misconduct and fraud against one person when the case is dismissed against those others who allegedly knowingly, willingly, intentionally "acted in concert"?

The conduct of the Judiciary not only undermines the Constitutions of the United States and New Jersey, but disregards the very concept of everything they these members of the judiciary took an oath to uphold as officers of the court.

The conduct of our judicial system is creating many of the social woes that affect all the citizens of this country making these issues herein a major public concern

To be victimized by the very system one seeks justice in is certainly not what our forefathers had in mind for our judiciary.

Where does one go for justice if not the judiciary? What happened to equal protection and justice under the law? Has negative behavior become the standard of acceptance and the Constitution and our written laws have no meaning? Is civil unrest at hand?

The people have the power of the vote to discharge our elected governmental officials when dissatisfied with their performance but have no recourse in a judicial system where complaints are taken by their own bar association which is nothing more than a fellowship of lawyers who all belong to the same New Jersey Bar.

With complaints about a judge, the complaint goes to another judge of the same court who by virtue of doing nothing gets the complaint dismissed. As ridiculous as that sounds, there is in fact a law in place that states exactly that and is probably the reason why only four judges have been removed from the bench in the last twenty years.

CLOSEING STATEMENT

The Preamble to the Code of Professional Responsibility states:

> "The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed and rational self government is impossible".

As complicated and bureaucratic as the judiciary might think they are, it still comes down to basics and the phenomenal good sense of the constitution. This is a government of the People, for the People and by the People, and there is no place in our system of democracy for a pompous judiciary functioning above the law and disregarding its responsibility to the people.

Statutes that govern the judiciary's conduct are already in place but are almost never enforced. Atrocities committed by members of the Judicial branch of our government go unpunished due to the judiciary's failure to police itself. A Judiciary with a pompous arrogance that serves no purpose other than a breeding ground for civil unrest.

The Judiciary's failure to uphold the Constitution of The United States, protect the individuals rights and police itself make the questions asked herein of great public importance. Namely, does the Constitution of the United States, The New Jersey Constitution, The Code of Judicial Conduct, The Code of Professional Conduct and All the laws and Rules of the court pertaining to the aforementioned mean anything when they are not enforced and colleagues are permitted to operate above the law under the guise of legalize and professionalism.

Thugs, whether they wear three piece suits or judicial robes are still thugs. A quote that might depict the Judiciary would be "Absolute power corrupts absolutely".

Our judicial system has evolved into an organization that surrounds itself with a wall of immunity that not only has the ability but utilizes that power to protect their colleagues and persecute the citizens of this great country.

I have attempted to illustrate in short, the web of deceit and bureaucratic wall of impunity the judiciary has built for themselves. I'm sure an investigation will produce volumes of similar conduct of Judges and lawyers, who, through their court rulings generate case law that has bypassed and circumvented not only the Constitutions of the United States and the State of New Jersey, but also legislation made by our elected officials to a point of which laws drafted by our elected legislators have no meaning anymore.

How many more lawyers and jail cells will we produce before the scales of justice balance? When does the judiciary finally wake up and see the light and act like the professionals they are supposed to be and admit their short comings and correct them.

In that the aforementioned reasons being of great public importance and having shown good cause, it is respectfully requested that this court grant a review of the issues of this Appeal.